

APR 01 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ying ZHENG et al.

Confirmation No. 8420

Application No.: 10/661,397

Group Art Unit: 1761

Filing Date: September 11, 2003

Examiner: L. Wong

For STABILIZED AROMA-PROVIDING
COMPONENTS AND FOODSTUFFS
CONTAINING SAME

Attorney Docket No.: 88265-7228

TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 - 1450

Sir:

Petitioner, Allan A. Fanucci, represents that he is the attorney of record for the present application

Petitioner states that he has reviewed the assignment documents that were each recorded on September 11, 2003 at Reel 014501 Frame 0788, Reel 014498 Frame 0238, and Reel 014502 Frame 0069 and confirms that Nestec SA is the owner of both the above-identified application and US patent applications 10/661,388 and 10/661,432

Petitioner hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the term of any patent issuing from either of US patent applications 10/661,388 and 10/661,432, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that any patent granted on the present application and any patent that issues from either of US patent applications 10/661,388 and 10/661,432 are commonly owned.

Petitioner further agrees that this agreement is to run with any patent granted on the above-identified application and is to be binding upon the grantees, their successors, and their assigns

Petitioner does not disclaim any terminal part of any patent that issues on the above-identified application prior to the expiration date of any patent issuing from either of US patent applications 10/661,388 and 10/661,432 in the event that that any such patent is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part or is terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full 20 year statutory term, except for lack of common ownership as stated above.

Petitioner hereby declares that all statements made herein of his own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon.

Signed this 1st day of April, 2005.



Allan A. Fanucci Reg. No. 30,256

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